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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,136	07/09/2003	John C. Artz JR.	VIGN1470-1	2094
44654	7590	08/29/2007		
SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			EXAMINER HUSSAIN, TAUQIR	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 08/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/616,136	ARTZ ET AL.	
	Examiner	Art Unit	
	Tauqir Hussain	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 12, 14-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 14-23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/12/2007, 04/01/2005, 10/26/2004, 09/20/2004, 02/11/2004.

Response to Amendment

1. This office action is in response to amendment /reconsideration filed on 06/21/2007, the amendment/reconsideration has been considered. Claims 1, 3, 5, 12, 14, 16, 23, 25 and 27 have been amended and claim 2, 13 and 24 are cancelled. Claims 1, 3-12, 14-23 and 25-33 are pending for examination, the rejection cited as stated below.

Response to Arguments

2. Examiner withdraw the specification objection as it has been amended appropriately
3. Examiner withdraws the claim objections to claim 13, as claim 13 has been cancelled.
4. Claims rejection under 35 USC § 112 for claim 2 have been withdrawn as claim 2 have been cancelled.
5. Applicant arguments have been fully considered but moot in new grounds of rejection.

Claim interpretation

6. Claim 1 is presented in alternative form of either grouping of physical or logical as recited in claim 1, lines 3-5.

Examiner chooses to examine the limitation recited as "each of the streams is a logical data source comprising a grouping of one or more physical components of the network topology".

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,3- 5, 12, 14-16, 23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyano et al. (Patent. No.: US 6,754,184 B2), hereinafter "Miyano" in view of Park (Pub. No.: US 2002/0057675 A1); hereinafter "Park".

9. As to claims 1, 12, 23, Miyano discloses, defining a first stream and a second stream from a network topology (Miyano, Fig.21, Element- 8-1 and 8-2, [0002] where network topology is displayed as receiver receives the signal from dish or antenna and transmits the signal to Element-2 and Element-3) wherein each of the streams is a Logical data source comprising a grouping of one or more physical components of the network topology (Miyano, Fig. 21, [0003], where each stream is transmitted as data from network component-1 and data is transmitted at three different rate e.g. 98.308 Mbps, 196.608 Mbps and 393.216 Mbps to different network devices);

associating incoming data with one of the streams based on a source of the incoming data (Miyano, Fig. 21, [0003], where each stream is transmitted as data from network component-1 and data is transmitted at three different rate e.g. 98.308 Mbps, 196.608 Mbps and 393.216 Mbps to different network devices which means all three

transmission rate belongs to the same source and therefore the stream is associated with the received signal/transmission). Miyano however, is silent on, calculating a data loss for each stream wherein the data loss is calculated between a next event and a last event in the stream and processing each stream based upon the calculated data loss. Park however discloses, calculating a data loss for each stream wherein the data loss is calculated between a next event and a last event in the stream (Park, Fig.2, [0026], data loss rate is calculated by data loss determiner by comparing the data with the allowed data loss rate) and processing each stream based upon the calculated data loss (Park, Fig.2, [0026], where outputting the converted analog signal is processing the data after the loss have been calculated).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Miyano with the teachings of Park in order to provide a system in which a voice receiving part can request to retransmit the voice data packets based on the data loss rate of the voice data packets received.

10. As to claims 3, 14, 25 Miyano and Park discloses the invention substantially as in parent claims 1, 12 and 23, including, further comprising stopping the processing of stream if the stream's calculated data loss is greater than a first user defined threshold (Park, Fig.2, Element-211, [0026], where obviously there is a threshold set up by a user for allowed data loss and if the data loss is greater than predetermined threshold setup by user data gets retransmitting the signal meaning there will be no signal to process .

because if data loss get greater than the threshold transmission will stop until retransmission start)1.

11. As to claims 4, 15, 26 Miyano and Park discloses the invention substantially as in parent claims 3, 14 and 25, including, wherein the processing resumes according to a second user defined threshold (Miyano, Fig.2, [0004] and [0005], where there are three data transmission rate is described e.g. S100, S200 and S400 and disclosed is receiver and transmitter has to be able to receive or transmit at described rates which means these rates can also interpret as thresholds for receiving devices and so it is obvious and well know in the art if there are three transmission at different rate receiver will receiver will only be capable of receiving the specified transmission rate out of those three data transmission rate).

12. As to claims 5, 16, 27, Miyano and Park discloses the invention substantially as in parent claims 1, 12 and 23, including, wherein the data loss is a time difference between the occurrence of the next event and the last event (Miyano, [0015], where packets are transmitted on time-division basis and further Examiner claims that data loss calculated in reference to difference in time of two transmission is well known in the art).

13. Claims 6,17, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyano and Park in view of Grunenfelder (Patent Number: 5,668,801), hereinafter "Grunen".

14. As to claim 6,17, 28, Miyano and Park discloses the invention substantially as in parent claims 5, 16 and 27, including, further comprising stopping the processing of stream (Park, Fig.2, Element-211, [0026], where retransmission means stopping the processing since there is no data transmission because of data loss). Miyano and Park are however silent on disclosing explicitly, if the first or second stream's Calculated time difference is greater than a first time period. Grunen however discloses, if the first or second stream's Calculated time difference is greater than a first time period (Grunen, Col.4, lines 22-49, where time difference is calculated because these time difference is directly related to data gap or loss, it is obvious to send data below the threshold for time is setup and further it is well know in the art to control the transmission by manual setting up threshold).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Miyano and Part as applied to parent claims above with the teachings of Grunen in order to exhibit gaps as a result of parameter monitoring, the number of missing data units must be determined and the response time of the parameter monitoring must the estimated at the place of determination for non-conforming data units.

15. Claims 7-11,18-22 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyano and Park in view of Glaser et al. (Pub. No.: US 2006/0271989 A1), hereinafter "Glaser".

16. As to claims 7,18 and 29, Miyano and Park discloses the invention substantially as in parent claims 6, 17 and 28. Miyano and Park however are silent on, further comprising storing any data received while processing is stopped. Glaser however, discloses, further comprising storing any data received while processing is stopped (Glaser, [0057, lines 10-15]).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Miyano and Park with the teachings of Glaser to provide a system to store the data for future download to continue after retransmission of data starts at different time.

17. As to claims 8, 19 and 30, Miyano, Park and Glaser discloses the invention substantially as in parent claims 7,18 and 29, including, comprising sending a notification (Glaser, [0057, lines 10-15, where sent signal is a notification to stop the transmission).

18. As to claims 9, 20 and 31 Miyano, Park and Glaser discloses the invention substantially as in parent claims 7,18 and 29, including, further comprising resuming processing of the first or second stream upon reception of more data associated with the first or second stream (Glaser, [0076, lines 21-35]).

19. As to claims 10-11, 21-22, 32-33 are rejected for the same rationale as applied to parent claims 7, 18 and 29 above.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

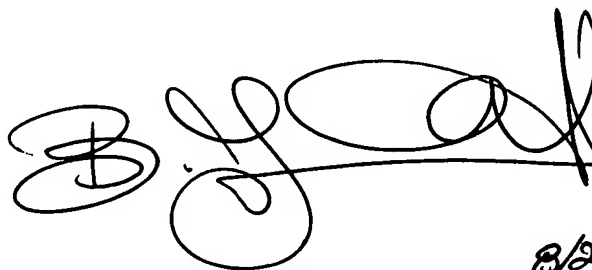
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH



SUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

8/27/17